

Date of Deposit

J. Matthew Buchanan, Reg. No. 47,459

Name of applicant, assignee or
Registered Representative

Signature _____

Signature
8 October 2003

Date of Signature

Our Case No. 10114-009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peng George Wang

Serial No. 09/925,816

Filing Date: August 9, 2001

For ENZYME ACTIVATED NITRIC
OXIDE DONORS

Examiner D. Khare

Group Art Unit No. 1623

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REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This Reply is in response to the Restriction Requirement mailed by the Examiner on September 8, 2003 setting a shortened statutory period for reply of one month. As this Reply is being mailed on October 8, 2003 under the Certificate of Mailing provisions of 37 C.F.R §1.8, it is timely.

No amendments to the specification, drawing, or claims are presented in this paper.

An Election with Traverse begins on page 2 of this paper.

ELECTION WITH TRAVERSE

In the Restriction Requirement, the Examiner asserts that the claims as filed are drawn to four (4) distinct inventions, and requires election of one of the listed inventions. The Examiner grouped the claims as follows:

- I. Claims 1-20, drawn to a sugar modified linsidomine compound and a pharmaceutical composition containing the sugar modified linsidomine compound, classified in classes 536 and 424, and various subclasses thereof.
- II. Claims 21-24, drawn to a method of generating nitric oxide by contacting a sugar modified linsidomine compound with a glycosidase, classified in classes 514 and 435, and various subclasses thereof.
- III. Claims 25-27, drawn to a method of generating peroxynitrite anion by contacting a sugar modified linsidomine compound with a glycosidase, classified in classes 514 and 435, and various subclasses thereof.
- IV. Claims 28-33, drawn to a method of selectively destroying a cell by contacting a sugar modified linsidomine compound with a glycosidase, in classes 514 and 435, and various subclasses thereof.

The Examiner states that the four groups are related as product and *process of making the product*. Applicant respectfully asserts that the Examiner has mischaracterized the claims of the present application. Claims 1-20 are directed to sugar modified linsidomine compounds, and pharmaceutical compositions comprising such compounds. Claims 21-33 are directed to various methods that utilize sugar modified linsidomine compounds, not methods of making such compounds.

Further, applicant respectfully traverses the need for restriction to one of the listed groups at least because searching all of the claims would not place an undue burden onto the Examiner. Applicant notes that the Examiner has grouped all of the claims as filed into only two different classes. Applicant respectfully asserts the belief that this does not present an unusually large

number of classes, and that, as a result, the Examiner can conduct a thorough search for all claims in an efficient manner. Applicant respectfully asserts that the claims, as filed, do not place an undue burden on the Examiner, and that restriction is unnecessary.

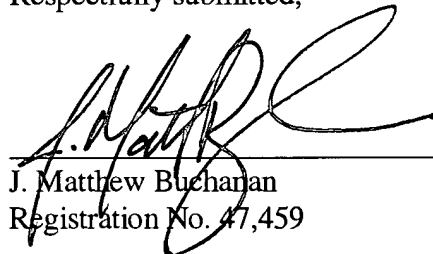
If the Examiner reconsiders the restriction requirement in light of the arguments above, applicant respectfully requests that the Examiner review all pending claims in the application. If, however, the Examiner makes the restriction requirement final, applicant hereby elects claims 1-20 (Group I) for current examination. As stated above, this election is made with traverse and simply to further prosecution of this application.

Applicant makes the election of claims 1-20 without prejudice or disclaimer. Further, applicant reserves the right to resubmit the non-elected claims as well as submit additional claims directed to the non-elected groups, either through rejoinder practice or otherwise.

Applicant believes this Reply to be fully responsive to the Restriction Requirement mailed on September 8, 2003. If, however, the Examiner believes that additional communication is necessary, applicant respectfully requests that he contact the attorney listed below.

Respectfully submitted,

Dated: October 8, 2003



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Registration No. 47,459

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